

SENATE BILL 25 (STEINBERG) – 2013

COLLECTIVE BARGAINING FOR FARMWORKERS

SUMMARY

The Agricultural Labor Relations Act (ALRA) was enacted in 1975 to encourage collective bargaining following secret ballot elections.

SB 25 honors the results of secret ballot elections by allowing for binding mediation to resolve collective bargaining disputes for the duration of the union's certification following a secret ballot election; protects collective bargaining agreements if an employer restructures (successor language); and corrects a flaw in existing ALRA law identified by the Agricultural Labor Relations Board (ALRB).

BACKGROUND

Adopted into law 2002, the original binding mediation law for first contracts has worked. Decades-long legal maneuvering and delay has been replaced by collective bargaining agreements covering thousands of California farm workers. Those contracts have raised wages, halted arbitrary and inhumane treatment, and stopped sexual harassment. However, as first contracts expire some employers are refusing to negotiate new ones. D'Arrigo Farms delayed signing a first contract for 32 years following a secret ballot election won by farm workers. The company has refused to enter into a new contract since 2010. Despite agricultural lobby assertions that passing binding mediation after secret ballot elections would cause substantial economic harm to the industry, the California Department of Food and Agriculture reports revenue growth of 25% during the worst recession in our lifetimes. With revenues topping \$37.5 billion, California agriculture remains #1 in the nation. California continues to set the pace for the rest of the nation as the country's largest agricultural producer and exporter.

THE PROBLEM

The ALRB has identified an enforcement loophole in the 2002 law that needs to be closed. In some specific cases, the ALRB is unable to enforce a mediator's decision or to implement new wages. This past summer, a mediator imposed a first contract at Ace Tomato – a farm where farm workers first voted for the union in 1989. Despite more than two decades of legal maneuvers, the ALRB concluded that it has neither the power to enforce the contract nor to enforce its own order. As the ALRB wrote:

“...there is no legal mechanism through which the Board can seek to enforce its decision at this time. A statutory amendment is needed to afford that authority to the Board where, as here, it is warranted.”

As a result, despite a binding agreement ordered in July 2012, Ace Tomato has still not implemented the terms of the agreement and ALRB order.

In addition, when farm workers proposed majority sign-up as a substitute for secret ballot elections, the agricultural lobby argued for the integrity of the secret ballot.

Yet after losing secret ballot elections, some farmers have used corporate restructuring to nullify the results of those elections.

THIS BILL

SB 25 honors the results of secret ballot elections by allowing binding mediation to resolve collective bargaining disputes for the duration of the union's certification following a secret ballot election and protects collective bargaining agreements if an employer restructures (successor language). According to the California Department of Food and Agriculture, there are more than 86,000 farms in California. SB

25 will impact .001% of them. SB 25 will apply only to those companies where farm workers have voted for the union, where either the union or the employer refuses to negotiate a contract, and where the ALRB has made a final ruling on a mediator's report. Mediators will continue to be selected by both parties. Farmers of any size will be exempted if their employees vote against union representation. Small farmers with fewer than 25 employees will remain exempt.

SPONSOR

United Farm Workers of America